**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**SPECIAL CIVIL APPLICATION No. 17166 of 2006**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE RAVI R.TRIPATHI**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**MERCURY ANTIBIOTICS PVT.LTD. AND ANOTHER**

**Versus**

**MADHYA GUJARAT VIJ COM.LTD. THRO.CHIEF OFFICER, BARODA**

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**Appearance :**
MR SP MAJMUDAR for the Petitioners
MR PREMAL JOSHI for the Respondent

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**CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI**

**Date : 30/08/2006**

**ORAL JUDGMENT**

1. **RULE**. Learned advocate Mr.Premal Joshi waives service of Rule on behalf of the respondent.

Mr.Premal Joshi, learned advocate for the respondent company is instructed by Shri V.J.Motavar, Deputy

Engineer of the respondent company.

2. Taking into consideration the facts narrated in order dated 08.08.2006 and particularly the fact that by now, the petitioner has deposited almost Rs.3,00,000/- and is still without electricity supply, after the matter is discussed for some time, it is deemed fit to dispose of the same with the following directions:

(I)The petitioner having deposited a sum of Rs.3,00,000/-, which is almost 50% of the bill served to the petitioner, the respondent company is directed to restore the electricity supply of the petitioner within a week from today.

It is clarified that restoration of the electricity supply is subject to the final outcome of the appeal. It is further clarified that the order of restoring the electricity supply of the petitioner should not be treated and cited as precedent in other cases.

(II)The petitioner is having an alternative remedy of approaching the appellate forum, which the petitioner must resort to and hence, shall file an appeal before the appellate forum on or before 01.09.2006. (The respondent company to waive the objection of period of limitation, i.e. 30 days)

(III)Once the appeal is filed, the appellate forum shall decide the same on merits, in accordance with law as expeditiously as possible.

3. The aforesaid directions are issued taking into consideration the peculiar facts of this case, wherein the petitioner has already suffered undue hardship as he was driven from pillar to post and has finally reached to this Court with this petition.

4. The petition is disposed of with the aforesaid directions. Rule is made absolute to the aforesaid extent with no order as to costs. Direct service is permitted.

**(RAVI R.TRIPATHI, J.)**

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